



## PATENT COOPERATION TREATY

PCT

**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

SAEKI, Norio  
Taka-ai Building  
9th floor  
15-2, Nihonbashi 3-chome  
Chuo-ku  
Tokyo 103-0027  
JAPON

Date of mailing (day/month/year) 08 March 2000 (08.03.00)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference JA906011	
International application No. PCT/JP98/00949	International filing date (day/month/year) 05 March 1998 (05.03.98)
Applicant JAPAN SCIENCE AND TECHNOLOGY CORPORATION et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

JP

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. (41-22) 740.14.35	Authorized officer  Luis Hernandez  Telephone No. (41-22) 338.83.38
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JA906011	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP98/00949	International filing date (day/month/year) 05 March 1998 (05.03.1998)	Priority date (day/month/year) 05 March 1997 (05.03.1997)
International Patent Classification (IPC) or national classification and IPC C12N 5/06, C12N 5/10, C12N 15/12, G01N 33/48, A61K 35/30, A61K 48/00		
Applicant JAPAN SCIENCE AND TECHNOLOGY CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of <u>1</u> sheets.
3. This report contains indications relating to the following items:
I <input checked="" type="checkbox"/> Basis of the report
II <input type="checkbox"/> Priority
III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV <input checked="" type="checkbox"/> Lack of unity of invention
V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI <input type="checkbox"/> Certain documents cited
VII <input type="checkbox"/> Certain defects in the international application
VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13 November 1998 (13.11.1998)	Date of completion of this report 21 April 1999 (21.04.1999)
Name and mailing address of the IPEA/JP Japanese Patent Office, 4-3 Kasumigaseki 3-chome Chiyoda-ku, Tokyo 100-8915, Japan Facsimile No.	Authorized officer  Telephone No. (81-3) 3581 1101

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP98/00949

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages 1-15, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages 4-6,9-11,13-16, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages 2,3,7,8,12, filed with the letter of 09 April 1999 (09.04.1999)
- ☒ the drawings:  
pages 1-8, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
pages 14-15, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☒ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. 1
- ☐ the drawings, sheets/fig. \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP98/00949

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 16

because:

- ☒ the said international application, or the said claims Nos. 16 relate to the following subject matter which does not require an international preliminary examination (*specify*):

The subject matter of claim 16 relates to therapy of cerebral diseases, hence relates to a method for treatment of the human body by therapy, which does not require an international preliminary examination by the International Preliminary Examining Authority in accordance with PCT Rule 67.1(iv).

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed.

- ☒ no international search report has been established for said claims Nos. 16

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

## IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☒ restricted the claims.  
☐ paid additional fees.  
☒ paid additional fees under protest.  
☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☒ complied with.  
☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.  
☒ the parts relating to claims Nos. 2-15

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP98/00949

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	2-15	YES
	Claims		NO
Inventive step (IS)	Claims	2-15	YES
	Claims		NO
Industrial applicability (IA)	Claims	2-15	YES
	Claims		NO

**2. Citations and explanations**

The subject matters of claims 2-15 are not described in any of the documents cited in the ISR and in the written opinion or any of the documents considered to relate to the present invention, and could not have been easily conceived by a person skilled in the art by combining the matters described in those documents.